THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.15611 of 2005

DATED:29.8.2005

Between:

B. Gangadhara Reddy,

B.Anantha Reddy,

R/o.D.No.1/43/7/9, Shivapriya Nagar

Atmakur, Kurnool District, and others

…Petitioners

And

The Mandal Revenue Officer, Kurnool Mandal

Kurnool District. And others

…Respondents

W.P.NO.17640 OF 2005

N.Sunkanna, S/o.N.Ramaiah,

R/o.H.No.365 GI, Vidyanagar, Kurnool

Kurnool District

… Petitioners

And

The Mandal Revenue Officer,

Kurnool Mandal, Kurnool District

And others

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.15611 AND 17640 OF 2005

COMMON ORDER:

This common order shall dispose of both the Writ Petitions. There are three petitioners in W.P.No.15611 of 2005. They alleged that fourth respondent with the connivance of first respondent came to the petitioners' lands on 13.7.2005, that is to say plot Nos.272, 273, 283, 284, 259, 268, 274 and 282 of S.No.19 of Dinnedevarapadu Village, Kurnool Mandal and Kurnool District, and tried to remove the fencing stones. Similar allegations are made by three petitioners in W.P.No.17640 of 2005 in relation to plot Nos.228, 241, 242, 236 and 277 of S.No.19 of the same village. Therefore, they are seeking a declaration that the action of the respondents in trying to dispossess the petitioners without due process of law is illegal and arbitrary.

Initially this Court granted time to the learned Standing Counsel for A.P.Wakf Board and learned Government Pleader for Revenue to get instructions in the matter. Today, when the case is called, learned Standing Counsel, based on para-wise remarks, while denying the allegation that Inspector of Wakfs has ever tried to remove the fencing stones, submits that in 1963 the land in S.No.19 was declared to be wakf property of Kottala Mosque and therefore petitioners are to be treated as encroachers. Even if the petitioners are allegedly encroached upon the land, any high-handed attempt by the officials of A.P.Wakf Board with the connivance of revenue officials cannot be appreciated in law when there are adequate provisions under A.P.Wakf Act, 1995 for eviction of encroachers. Learned Standing Counsel further submits that Wakf Board will take appropriate action duly following rule of law after issuing notice to the occupants. Recording the same, the Writ Petition is disposed of ordering status quo as on today. It shall be open to A.P.State Wakf Board and revenue authorities to take appropriate action in accordance with law after issuing notice to the petitioners.

The Writ Petitions with the above observations are disposed of

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29.8.2005 (V.V.S.RAO, J)

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